

In re LeRoy G. Hagenbuch
Serial No. 08/475,806

were presented that recited time stamping a machine-readable code in order to overcome the rejection in paragraphs 9 and 10 of the Office Action. Although the "Examiner Interview Summary Record" indicates applicant need not provide a separate record of the substance of the interview, the following is a complete written statement of the reasons presented at the interview as warranting favorable action pursuant to Rule 133(b).

Original claims 31-37 were rejected as being clearly anticipated by U.S. Patent No. 4,645,018 to Garbade et al. The Garbade et al. patent discloses a device for unloading a refuse container 1 that includes an identification plate 7 fastened to the back side of the container. When the container is placed on a receiving device 2, the identification plate 7 is disposed opposite a recognition sensor 8. The refuse container receiving device 2 also includes a weighing system comprising a measuring cell 5. As described at the top of column 4 in the Garbade patent, the recognition sensor 8 and weight measuring cell 5 are electrically connected to a recording unit 10 that stores recognition data from the sensor 8 and weight data from the measuring cell 5.

In contrast to claims 31-35 as amended herein, the Garbade patent does not disclose or suggest time-stamping the recognition and weight data for future reference. As set forth in amended claim 31, time-stamping the data and recording it forms a historical record identifying the container and the time when the material from it was collected. Valuable time dependent information can be derived from the historical record, which may be an important aid in managing a fleet of haulage vehicles as described in applicant's specification.

In this amendment, applicant has cancelled claims 36 and 37 and added new claims 38-60, which include independent claims 38, 44 and 58. Each of the independent claims 38, 44 and 58 recites time-stamping the data identifying the container. New independent claims 38 and 58 also recite compiling a historical record and new independent claim 44 recites downloading the

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container identification to a remote and fixed site via a wireless link. In this regard, the Garbade patent discloses a recording unit 10 that stores the recognition and weight data, but there is no teaching or suggestion of a wireless link from the vehicle to a remote or fixed site as set forth in claim 44.

Applicant has also considered U.S. Patent No. 4,722,656 to Naab. This patent is primarily directed to a control circuit for initiating a sequence of lifting and tipping the container in order to empty it. In one embodiment described at column 6, starting at line 47, identification data from the container is used by the control circuit in order to fully automate the lifting and tipping process. As described at the bottom of column 6 of the Naab '656 patent, a container to be emptied is moved past a read-in device and an identification marking on the container is automatically read.

Although the discussion in the paragraph bridging columns 6 and 7 of the Naab '656 patent suggests the identification data is only of the type that describes a shape and/or size of the container, a later paragraph bridging columns 7 and 8 of the patent states:

"[a]n additional registering and recording facility which registers and records in the assimilated identification data the habitual location of the refuse bin in question and also specifies the weight of the contents of the bin, thus provides direct computation documents for the refuse collection charge."

Further, at column 16, starting at line 36, the Naab '656 patent states the control system of the invention may include a memory storing data about the containers that are to be emptied. Comparisons can be drawn between the identification data detected from the container and the stored data. For example, an emptying procedure suitable for the container in

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question, or the method of controlling the emptying device can be selected.

From the teachings of the Naab '656 patent as outlined above, it neither teaches nor suggests any appreciation for time stamping the collected data to form a historical database. Thus, the Naab '656 patent does not teach or suggest the invention described in amended claims 31-35 and new claims 38-60.

Applicant has also reviewed U.S. Patent No. 5,004,392 to Naab, which was cited in the Office Action. This patent is a continuation-in-part of the Naab '656 patent discussed above. However, the Naab '392 patent is not prior art to applicant's claims since its filing date is after applicant's effective filing date pursuant to 35 U.S.C. § 120.

Applicant and his attorney indicated at the personal interview on May 13, 1996 that a Terminal Disclaimer would be submitted with this Amendment in order to overcome the double patenting rejection of paragraph 7 in the Office Action. Applicant would like to hold in abeyance the submission of the Terminal Disclaimer in order to provide the Examiner with an opportunity to consider whether amended claims 31-35 and new claims 38-60 overcome that rejection. Specifically, applicant would appreciate the Examiner's consideration of whether the claims as now amended overcome the double patenting rejection based on claims 1, 2, 13 and 14 of the '706 patent.

As requested in paragraph 6 of the Office Action, this amendment includes a new title that better describes the claimed invention.

Finally, pursuant to paragraph 4 of the Office Action, enclosed is a substitute declaration that corrects the defect identified in the Office Action and is updated to reflect all previous applications to which priority has been claimed pursuant to 35 U.S.C. § 120.

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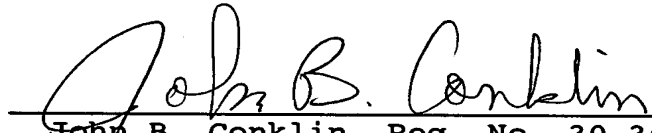
Conclusion

In view of the above amendments and remarks, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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